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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 United States of America,

9 Plaintiff,

10 v.

11 DAVID DAVIS,

12 Defendant.

2:24-cr-0063-JCM-NJK

**Order Approving Stipulation to
Continue Hearing Regarding Pretrial
Release**

(First Request)

13
14 Based on the pending stipulation of the parties, and upon the Court's finding of good
15 cause, IT IS HEREBY ORDERED:

16 **FINDINGS OF FACT**

- 17 1. The parties agree to the continuance.
- 18 2. The defendant is currently in a residential treatment program in Fallon, Nevada.
- 19 3. Removing the defendant from that program may have a detrimental effect on the
20 defendant's ongoing treatment and his efforts to achieve and maintain sobriety.
- 21 4. The parties agree to continue this hearing until after defendant completes the
22 residential treatment program.
- 23
- 24

1 5. The additional time requested herein is not sought for purposes of delay, but to
2 facilitate defendant's treatment and maximize his chances at achieving and
3 maintaining sobriety.

4 6. Additionally, denial of this request for a continuance could result in a miscarriage
5 of justice. The requested by this Stipulation is excludable in computing the time
6 within which the trial herein must commence pursuant to the Speedy Trial Act, 18
7 U.S.C. §§ 3161 (h)(7), and 3161(h)(7)(A), considering the factors under 18 U.S.C.
8 §§ 3161(h)(7)(B)(i) and (vi).

9 **CONCLUSIONS OF LAW**

10 The ends of justice served by granting said continuance outweigh the best interests
11 of the public and the defendant, since the failure to grant said continuance would be
12 likely to result in a miscarriage of justice, would disrupt defendant's treatment and
13 potentially impair his efforts to achieve and maintain sobriety, which may impair his
14 ability to meet with and consult his attorney regarding his case.

15 The time from the continuance sought herein is excludable under the Speedy
16 Trial Act, 18 U.S.C. §§ 3161(h)(7), and 3161(h)(7)(A), when considering the factors
17 under 18 U.S.C. §§ 3161(h)(7)(B)(i) and (iv).

18 **ORDER**

19 IT IS HEREBY ORDERED that the hearing regarding pretrial release, be vacated
20 and continued to August 12, 2024 at the hour of 2:30 p.m. in Courtroom 3B before
21 Magistrate Judge Weksler.

22 DATED this 11th day of June, 2024.

23 
24 UNITED STATES MAGISTRATE JUDGE